THE HON'BLE SRI JUSTICE S.ANANDA REDDY

TUESDAY THIS THE TWENTY NINTH DAY OF AUGUST, TWO THOUSAND AND SIX

WRIT PETITION No.8351 of 1995

Between:
Sri Pothamsetti Appayyamma …Petitioner

And:
The State of A.P.rep.by its authorized Officer, Land Reforms, East Godavari, Kakinada and two others …Respondents

ORDER:

This writ petition is filed by the petitioner, seeking a Writ of Mandamus, directing the respondent to exclude Ac.25.97 cents in Sy.Nos.10/1, 10/2, 11/1, and 11/2 of Balarampuram village and lands in Sy.Nos.89/2 and 92/6 of N.N.Patnam, Tuni Mandal, East Godavari District from the unit of the 3rd respondent and to pass appropriate orders.

It is claimed that the petitioner's father Sanyasayya Padalu was having extensive properties in N.N.Patnam, Balarampuram, Latchireddipalem and other villages. It is stated that in accordance with the family tradition, the father of the petitioner, at the time of her wedding, in the year 1970 gave an extent of Ac.25.97 cents of land, situated in the above referred villages towards 'pasupukumkuma'. The lands were delivered possession to the petitioner under Kararunama dated 10.02.1970 and she was put in possession and she has been in possession and enjoyment of the same since then. However, it is stated that the father of the petitioner filed a declaration including the lands given to the petitioner without knowledge to the petitioners. Hence the petitioner has come up with the present writ petition seeking exclusion of the above lands from the land ceiling proceedings.

A counter is filed on behalf of the respondents disputing and denying the claim of the petitioner and stated that the writ petition is filed in order to stall the surrender proceedings. It is stated that no objections were filed with reference to the declaration and the verification report filed by the verification officer does not show that the lands belongs to the declarant's daughter and there are no entries in

the adangals and therefore, the question of exclusion does not arise. The petitioner also did not get herself impleaded at any time in the proceedings that were pending either before the Land Reforms Tribunal or Appellate Tribunal. In fact, it was claimed that the lands in N.N.Patnam were leased out to some third parties whose names were given in para-3 of the counter. The appeal filed by the original declarant was dismissed and there are no merits in the present writ petition and the same is filed only to drag on the surrender proceedings and therefore sought for dismissal of the writ petition.

At the time of hearing, however, the learned counsel for the petitioner contended relying upon some judgments that the petitioner was major as on 01.01.1975 and as such as per the amendment to the Hindu Succession Act, she should be treated as member of joint family and she was entitled for separate holding. Since the petitioner got married even before the said amendment was made to the Hindu Succession Act, the petitioner is not entitled to any right as a coparcener. With reference to the Kararunama which is alleged to have executed by the father of the petitioner, alienating the property in question in favour of petitioner towards 'pasupukumkuma', as per the judgment of the Full Bench of this Court, any transfer or alienation must be under a registered document, and it is not the case of the petitioner that any such document was executed in her favour. Under the above circumstances, the petitioner is not entitled for any relief.

The Writ Petition is, accordingly, dismissed. No order as to costs.

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S.ANANDA REDDY,J

Dated: 29.08.2006
Dsr